

EXHIBIT A

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ARTICLE III
Solicitors and Canvassers¹
[Added 7-27-1959]

§ 171-14. License required.

No person shall engage in business as a solicitor or canvasser in the village without first obtaining a license therefor.

§ 171-15. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SOLICITOR or CANVASSER — Any natural person traveling either by foot or by conveyance from place to place, from house to house, from street to street, soliciting and taking orders for the sale of goods, wares, merchandise, including books and periodicals, for future delivery, or for services to be performed later, whether he collects advance payments on such sales or services or not.

§ 171-16. Bond.

Every applicant, not a resident of the village or who, being a resident of the village, represents any person whose principal place of business is located outside of the State of New York, shall file with the Village Clerk a surety bond, running to the village in the amount of \$2,500 with surety given by a recognized insurance carrier, conditioned that the applicant shall comply fully with the provisions of the ordinances of the village and the laws of the State of New York regulating the business of solicitor and canvasser and guaranteeing to any resident of the village that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and that any property purchased will be delivered in compliance with the representations made by the solicitor. Such bond shall provide that action thereon may be brought by any person to whom a judgment has been awarded because of loss caused by such licensee's fault or default.

§ 171-17. License fees.

- A. The license fee to be charged to each individual person, except as provided in Subsections B and C hereof, for carrying on the

1. Editor's Note: For penalties for offenses, see Ch. 187, Licenses and Permits, more specifically § 187-2, Penalties for offenses.

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business of solicitor or canvasser shall be \$2 per week; \$5 per month; and \$20 per year.

- B. No license fee hereunder shall be so applied as to cause an undue burden upon interstate commerce. If any licensee or applicant shall claim that the fees required or paid place an undue burden upon interstate commerce, he may apply to the Mayor for an adjustment of the fee so that it will not be discriminatory, unreasonable or unfair to such commerce. The Mayor shall then conduct an investigation and shall make findings of fact from which he shall determine whether the fee fixed by this Article is unfair, unreasonable or discriminatory as to the applicant's business and shall fix for the applicant, as a license fee, an amount that is fair, reasonable and nondiscriminatory or, if the fee has been paid, shall order a refund of the amount over and above the fee so fixed. The fee may be fixed upon a percentage of gross sales or other calculations which will assure that the fee assessed will be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed in Subsection A of this Article. For this purpose, the Mayor may require the applicant to furnish him with such sworn statements as to the gross sales of his business as will provide the basis for reaching a conclusion as to the merits of the applicant's claim.
- C. For licenses issued to persons 16 or 18 years of age, the fee shall be 50% of those provided in Subsection A hereof. For a license issued to persons below the age of 16, no license fee shall be charged; nor shall any license fee be required of a duly authorized representative of any recognized village association of war veterans, or of police or firemen, or religious or national charitable associations soliciting on their own behalf, and for the benefit of such group or association.

§ 171-18. Hours of operation.²

It shall be unlawful for any person to enter upon private property for the purpose of peddling or soliciting before the hour of 9:00 a.m. of any day or after the hour of 5:00 p.m. of any day, except upon the invitation of the householder or occupant.

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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§ 171-19. Posted premises.³

It shall be unlawful for any peddler or solicitor in plying his trade to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "no peddlers," "no solicitors," "no agents" or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.

§ 171-20. Operation near churches and schools.⁴

No peddler or solicitor shall peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his vehicle to stand on any public highway within said distance of such school property.

§ 171-21. Soliciting at scene of accident.⁵

No individual or firm shall solicit any business whatsoever at the scene of any accident within the area of the Village of East Rockaway.

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).